THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.25816 of 2005

Dated: 19th October, 2006

Between:

The Depot Manager, APSRTC.,
Vidyadharapuram, Vijayawada,
Krishna District. **…..PETITIONER**

AND

1. Smt. V.Suguna, w/o late
   V.Radhakrishna Murthy, E.357525,
   Ex-Attender, APSRTC., C/o Vanamala
   Srinivasa Kumar, D.No.2-2-110/82/A/1,
   Tilaknagar, New Nallakunta, Hyderabad.

2. The Labour Court, Guntur, represented
   by its Presiding Officer. **….RESPONDENTS**

THE HONOURABLE SRI JUSTICE
N.V.RAMANA

W.P.No.25816 of 2005

ORDER:

The Andhra Pradesh State Road Transport Corporation (for short "the Corporation") has filed this writ petition questioning the award dated 12-4-2005 of the Labour Court, Guntur made in I.D.No.60/2001 directing the Corporation to provide a job to respondent No.1-workwoman (for short "workwoman") for which no educational qualification is required, preferably Sweeper without back-wages and continuity of service.

The workwoman was appointed as attender in the Corporation on compassionate grounds. She was removed from service with effect from 5-11-1997 after conducting enquiry on the ground that she submitted a false matric pass certificate at the time of her appointment. Both the appellate and reviewing authorities confirmed the order of removal. Aggrieved by the order of removal she approached the labour court by filing I.D.No.60 of 2001. The labour court set aside the order of removal and directed the Corporation to provide a job, for which no educational qualification is required, preferably Sweeper.

Learned counsel for the petitioner-Corporation contended that

the labour court had not considered the material placed before it in a proper perspective and is not justified in directing the Corporation to provide a job to the workwoman for which no educational qualification is required preferably sweeper. The learned counsel further contended that the award of the labour court is not in accordance with the procedure contemplated under the I.D. Act. The learned counsel therefore prayed that the impugned order of the labour court be set aside.

On the other hand, learned counsel for workwoman submitted that she was appointed on compassionate ground on account of the death of her husband and is now 50 years of age and has to maintain her children. Learned counsel further submitted that the labour court after taking into consideration all the circumstances only directed the Corporation to provide a job to the workwoman preferably sweeper job without any back-wages and continuity of service. The learned counsel therefore prayed that the award of the labour court needs no interference and the writ petition be dismissed.

Heard the learned counsel for the petitioner as also the learned counsel for the workwoman and perused the impugned award of the labour court.

The labour court though justified the removal of the workwoman from service had rightly observed that as the workwoman was appointed on compassionate grounds she should be provided a job irrespective of her educational qualifications to maintain herself and her family. The labour court after taking into consideration all the facts and circumstances of the case, namely the workwoman is a widow having two children and has to maintain them, had directed appointment of the workwoman as sweeper, however without

backwages and continuity of service. Though there is some procedural irregularity, having regard to the circumstances that the workwoman is a widow having two children and she has to look after them and compassionate appointment is the only means, I do not think that it is a case for interference of this Court in exercise of its certiorari jurisdiction under Article 226 of the Constitution of India. The writ petition fails and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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(N.V. RAMANA, J.)

Date:19th October, 2006.

GRK